

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER**

UNITED STATES OF AMERICA) Case No. 4:24-cr-23
)
v.)
) Judge Atchley
TOMMY LEE HARMON)
) Magistrate Judge Dumitru
)

ORDER

Magistrate Judge Mike Dumitru filed a report and recommendation recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea as to Count One of the six-count Indictment; (2) accept Defendant's guilty plea as to the lesser included offense of Count One; (3) adjudicate the Defendant guilty of the lesser included offense of Count One; (4) defer a decision on whether to accept the plea agreement until sentencing [Doc. 66]; and (5) order that Defendant remain in custody until sentencing in this matter [Doc. 77]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Dumitru's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge's report and recommendation [Doc. 77] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea as to Count One of the Indictment is

GRANTED;

2. Defendant's plea of guilty to the lesser included offense of Count One is **ACCEPTED**;
3. Defendant is hereby **ADJUDGED** guilty of the lesser included offense of Count One;
4. A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter, which is scheduled to take place on **May 29, 2025, at 2:00 p.m. ET** before the undersigned.

SO ORDERED.

/s/ Charles E. Atchley, Jr.

**CHARLES E. ATCHLEY, JR.
UNITED STATES DISTRICT JUDGE**